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January 31, 2014

**By ECF**

Hon. Paul A. Crotty  
United States District Court  
Southern District of New York  
500 Pearl Street, Chambers 1350  
New York, NY 10007

Re: Microsoft Corp. v. Acacia Research Corporation, 13-CV-8275

Dear Judge Crotty:

This firm is counsel to Defendant Acacia Research Corporation (“Acacia”) in the above-referenced action. I write to advise the Court that Acacia has no objection to making certain pre-motion conference letters, previously submitted by the parties under seal, part of the public file in this action.

On December 11, 2013, Acacia submitted a pre-motion conference letter to the Court in anticipation of moving to dismiss plaintiff Microsoft Corporation’s (“Microsoft”) Complaint. Microsoft responded in a December 16, 2013 letter to the court. Neither letter was filed via ECF because Acacia and Microsoft requested that their respective letters be filed under seal. The Court granted the parties’ respective requests to file the letters under seal.

At the pre-motion conference on January 6, 2013, the Court requested that the parties be judicious in their requests to file documents under seal, and specifically asked whether the pre-motion conference letters needed to remain under seal. I advised the Court that I would consult with my client regarding the letters. Having done so, I can now confirm that Acacia does not object to making the letters part of the public file in this action. Although the letters discuss a contract containing a confidentiality provision, the letters do not discuss in detail any particular term that is

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sensitive. Acacia reserves its rights to request sealing of future filings, but of course will be mindful of the Court's request that the parties consider the convenience of the Court when requesting the sealing of documents.

Respectfully submitted,

s/Marc J. Schneider  
Litigation Shareholder  
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Attorneys for Defendant  
Acacia Research Corporation

cc: Counsel of Record (by ECF)